

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GEORGE IVERSON, Individually,

Plaintiff,

v.

DANIEL E. ROTHENBERG and
JULIAN COHEN, as Trustees under
the Old Chest-Hill Trust, established
by Indenture of Trust dated as of
April 21, 1978,

Defendants.

JOINT SCHEDULING STATEMENT
PURSUANT TO FED. R. CIV. P. 26(f) AND LOCAL RULE 16.1(D)

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(d), the parties submit the following joint statement in connection with the Scheduling Conference to be held on September 22, 2005 at 3:15 p.m.

1. **Matters to be Discussed at Conference.** The parties will appear prepared to discuss the following issues:

- a. A proposed pre-trial schedule for the case that includes the plan for discovery and deadlines;
- b. Anticipated dispositive and pre-trial motions;
- c. Alternative dispute resolution; and
- d. Settlement.

2. **Procedural Motions and other Pending Matters.** There are no pending motions currently before the Court.

3. **Schedule for Discovery.** The parties have agreed on the following case schedule:

<u>Event</u>	<u>Agreed Deadline</u>
Fed.R.Civ.P. 26(a)(C)-(D) disclosures	September 15, 2005
Fed.R.Civ.P. 26(a)(A)-(B) disclosures	September 15, 2005 with supplements taken as necessary
Plaintiffs' expert reports (Fed.R.Civ.P. 26(a)(2))	December 16, 2005
Motions to add parties or amend pleadings	February 1, 2006
Defendants' expert reports (Fed.R.Civ.P. 26(a)(2))	February 1, 2006
Close of discovery (except expert discovery)	February 28, 2006
Summary judgment motions	March 15, 2006
Close of expert discovery	April 13, 2006
All other motions, excluding motions in limine	April 13, 2006

4. **Discovery Limits.** The parties have agreed that discovery be conducted pursuant to the limits set forth in Local Rule 26.1(C). The parties have further agreed that all discovery requests must be propounded no later than 33 days prior to the close of discovery. Each party shall reserve its or his right to seek by motion additional discovery, with good cause shown.

5. **Settlement.** The parties have agreed that settlement is likely, but do not at this time request a settlement conference before a Magistrate Judge.

6. **Trial by Magistrate Judge.** At this time, the parties are not prepared to consent to trial by a Magistrate Judge.

7. **Budget and Alternative Dispute Resolution.** Counsel for the parties have conferred with their respective clients concerning establishing a budget for litigation and the use of alternative dispute resolution. The parties are willing to participate in mediation in an attempt

to resolve this matter and have agreed on, or will attempt to agree upon, a mutually acceptable mediator. The parties will file their certifications required pursuant to Local Rule 16.1(D)(3) under separate covers.

8. **Modification of Schedule.** All dates set forth herein may be modified by written agreement of the parties and approval of the Court, or upon motion of the Court for good cause shown.

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Dated: September 1, 2005

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Dated: September 1, 2005

SO ORDERED, this ____ day of _____, 2005, in Boston, Massachusetts.

United States District Court Judge